

Amend Section 87211 to read:

87211 REPORTING REQUIREMENTS

87211

(a) - (c) (Continued)

(d) The licensee shall notify the Department, the State Long-Term Care Ombudsman, all residents, and, if applicable, their representatives, in writing within two business days of any of the following specified events, or knowledge thereof, ~~as required by Health and Safety Code section 1569.686(a). Failure to do so may result in a civil penalty of one hundred dollars (\$100) for each day, not to exceed two thousand dollars (\$2,000) and other actions deemed appropriate by the Department, as specified in Health and Safety Code section 1569.686(b).~~

(1) A notice of default, notice of trustee's sale, or any other indication of foreclosure is issued on the property.

(2) An unlawful detainer action is initiated against the licensee.

(3) The licensee files for bankruptcy.

(4) The licensee receives a written notice of default of payment of rent described in Section 1161 of the Code of Civil Procedure.

(5) A utility company has sent a notice of intent to terminate electricity, gas, or water service on the property within not more than 15 days of the notice.

~~(+)(e)~~ The licensee shall disclose in writing any of the events, or knowledge thereof, specified in ~~Health and Safety Code section 1569.686(a)~~ Section 87211(d), prior to a potential resident or their representative signing the admission agreement.

~~(gf)~~ The Department ~~shall not~~ does not have the authority to waive the reporting requirements specified in ~~s~~Section 87211(d).

~~(fg)~~ ~~Failure to comply with Ssection 87211(d), and or Section 87211(e), or both, may result in a civil penalty of one hundred dollars (\$100) for each day of the failure to provide the required notification, not to exceed two thousand dollars (\$2,000) and other actions deemed appropriate by the Department, as specified in Health and Safety Code section 1569.686(b).~~ Upon receipt of the licensee's notification to the Department of events specified in Section 87211(d), the Department shall initiate a compliance plan, noncompliance conference or other action deemed appropriate by the Department.

HANDBOOK BEGINS HERE

~~Health and Safety Code section 1569.686(a) provides:~~

~~(a) A licensee shall notify the department, the State Long Term Care Ombudsman, all residents, and, if applicable, their legal representatives, in writing, within two business days, and shall notify all applicants for potential residence, and, if applicable, their legal representatives, prior to admission, of any of the following events, or knowledge of the event:~~

~~(1) A notice of default, notice of trustee's sale, or any other indication of foreclosure is issued on the property.~~

~~(2) An unlawful detainer action is initiated against the licensee.~~

~~(3) The licensee files for bankruptcy.~~

~~(4) The licensee receives a written notice of default of payment of rent described in Section 1161 of the Code of Civil Procedure.~~

~~(5) A utility company has sent a notice of intent to terminate electricity, gas, or water service on the property within not more than 15 days of the notice.~~

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~~(e) Upon receipt of the licensee's notification to the Department, the Department shall initiate a compliance plan, noncompliance conference or other action deemed appropriate by the Department, as specified in Health and Safety Code section 1569.686(b). Should the Department become aware of the occurrence of any of the specified events specified in Health and Safety Code section 1569.686(a) or Section 87211(d) without notification from the licensee within the timeframe specified, the Department may take appropriate action against the licensee including the issuance of the civil penalty specified in Health and Safety Code 1569.686(e). Failure to comply with Section 87211(d), or Section 87211(e), or both, may result in a civil penalty of one hundred dollars (\$100) for each day of the failure to provide the required notification, not to exceed two thousand dollars (\$2,000).~~

~~(1) If a resident is relocated without the specified notification, and the resident suffers transfer trauma as defined in Section 87101, or other harm to their health or safety, the Department may suspend or revoke the license or other specified actions pursuant to Health and Safety Code section 1569.686(c)~~

(d*f*i) The licensee shall notify the Department, in writing, within thirty (30) days of the hiring of a new administrator. The notification shall include the following:

(1) Name and residence and mailing addresses of the new administrator.

(2) Date he/she assumed his/her position.

(3) Description of his/her background and qualifications, including documentation of required education and administrator certification.

(A) A photocopy of the documentation is acceptable.

(e*g*i) Any change in the chief corporate officer of an organization, corporation or association shall be reported to the licensing agency in writing within fifteen (15) working days following such change. Such notification shall include the name, address and the fingerprint card of the new chief executive officer, as required by Section 87355, Criminal Record Clearance.

Authority cited: Sections 1569.30 and 1569.616, Health and Safety Code.

Reference: Sections 1569.1, 1569.2, 1569.31, 1569.312, 1569.616, 1569.686 and 1797.196, Health and Safety Code; and Section 15630, Welfare and Institutions Code.